

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

THURSDAY, THE 9TH AUGUST 2007 / 18TH SRAVANA 1929

OP.No. 5692 of 2003(C)

PETITIONERS:

- 1. E.YUSUF, S.T.D.BOOTH, BOOKING OFFICE,
RAILWAY STATION, SHORANUR.**
- 2. M.P.RAVEENDRAN, S.T.D.BOOTH,
II PLATFORM, RAILWAY STATION,
SORNUR.**
- 3. C.S.VIJAYAN, S.T.D.BOOTH, BOOKING OFFICE
RAILWAY STATION, PALAKKAD.**
- 4. KRISHNANKUTTY, S.T.D.BOOTH,
PLATFORM NO.4, RAILWAY STATION,
SHORANUR.**
- 5. SAKEER HUSSAIN, S.T.D.BOOTH,
PLATFORM NO.II, RAILWAY STATION,
PALAKKAD.**
- 6. KAUNGAL DEEPA, S.T.D.BOOTH,
BOOKING OFFICE, RAILWAY STATION,
KANNUR.**
- 7. K.P.KUNHIRAMAN, S.T.D.BOOTH,
BOOKING OFFICE, RAILWAY STATION,
KANNUR.**
- 8. T.A.BAPPUTTY, S.T.D.BOOTH, BOOKING
OFFICE, RAILWAY STATION, KUTTIPPURAM.**
- 9. V.G.SAJEEVAN, S.T.D.BOOTH, BOOKING
OFFICE, RAILWAY STATION, PALAKKAD.**

O.P. NO. 5692/2003:

**10. THANKARAJ, S.T.D.BOOTH, BOOKING
OFFICE, RAILWAY STATION, VADAKARA.**

**BY ADV. SRI.M.V.BOSE,
SRI.VINOD MADHAVAN,
SMT.NISHA BOSE.**

RESPONDENTS:

- 1. THE DIVISIONAL RAILWAY MANAGER,
SOUTHERN RAILWAY, PALAKKAD.**
- 2. THE SENIOR DIVISIONAL COMMERCIAL
MANAGER, DIVISIONAL OFFICE, COMMERCIAL
BRANCH, SOUTHERN RAILWAY, PALAKKAD.**

BY ADV.SRI.M.C.CHERIAN,SR.SC.,RAILWAYS.

**THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD
ON 09/08/2007,THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

ORDER ON C.M.P. NO. 9892/2003 IN O.P. NO. 5692/2003

DISMISSED

09/08/2007.

SD/- T.R.RAMACHANDRAN NAIR, JUDGE.

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE ADVERTISEMENTS APPEARED IN MALAYALA MANORAMA DAILY DTD. 31/01/1995.

EXT.P.2: COPY OF THE PERMISSION TO 9TH PETITIONER, WHO IS RUNNING BOOTH AT PALGHAT JUNCTION RAILWAY STATION DTD. 16/10/95.

EXT.P.3: COPY OF THE COMMUNICATION DTD. 20/01/1999 ISSUED BY THE R.2.

EXT.P.4: COPY OF THE COMMUNICATION DTD. 25/06/1999 ISSUED BY THE R.2.

EXT.P.5: COPY OF THE COMMON JUDGMENT IN O.P. 32907/2000 AND O.P. 2737/2000 DTD. 16/01/2002.

EXT.P.6: COPY OF THE COMMUNICATION RECEIVED BY THE P.1. FROM THE DIVL. COMMERCIAL MANAGER, PALGHAT DTD. 10/01/2003.

EXT.P.7: COPY OF THE REPRESENTATION PREFERRED BY THE P.2. DTD. 29/01/2003 TO THE R.2.

RESPONDENT'S EXHIBIT:

EXT.R1.A: COPY OF THE JUDGMENT DTD. 08/07/2005 IN W.P.(C). NO. 7783/2005 AND 13669/2005.

//TRUE COPY//

prv.

T.R. Ramachandran Nair, J.

O.P.NO.5692 of 2003-C

Dated this the 9th day of August, 2007

JUDGMENT

The petitioners are physically handicapped persons running S.T.D. Booths at Railway Stations. The condition for installation of booths was that the selected persons shall install the booth at their expense and they shall be liable to pay a nominal rent for the space occupied by them and to pay the electricity consumption charges. This original petition was filed challenging Ext.P6 whereby the period of contract was extended subject to various conditions regarding payment of licence fee.

2. On 20.2.2003 in C.M.P. No.9852/2003 this court was pleased to grant interim stay of demand in Ext.P6 provided the petitioners pay 50% of the amount demanded under revised norms, within two weeks from the date of the interim order.

3. Similar matters have been considered by a Division Bench of this court in O.P. No.3487/2003 and connected matters. Therein the petitioners were directed to take up the matter before the Railway Board through the Senior Divisional Commercial Manager, Trivandrum. Learned counsel for the petitioners prays that a similar direction may be issued here also

allowing the petitioners to move the Railway Board through the second respondent.

3. Therefore, if the petitioners have got any grievance regarding the payment of ground rent, they can take up the matter before the Railway Board through the second respondent within a period of six weeks from today in the event of which, the concerned authority shall consider the same and pass appropriate orders. However, petitioners are bound to pay 50% of the amount as directed in the interim order. If 50% of the amount as directed above has not been paid so far, it should be paid within a period of three weeks. The question as to whether any balance amount is to be paid on the basis of Ext.P6, would depend upon the final order to be passed by the Railway Board. The Railway Board shall pass appropriate orders within a period of five months from the date of receipt of a copy of this judgment.

The original petition is disposed of in the above terms. No costs.

(T.R. Ramachandran Nair, Judge.)

kav/

R. Ramachandran Nair, J.

O.P. No.5692 of 2003-C

JUDGMENT

9th August, 2007.